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ON PAGE A 23

NEW YORK TIMES
28 February 1985

ABROAD AT HOME | Anthony Lewis

What Country Is It?

A Miami incident with Soviet echoes

BOSTON
It could happen at Moscow airport. A Soviet citizen has been abroad, visiting the United States. Now, on his return, K.G.B. agents go over his luggage. They find American magazines and take them. They also take the citizen's address book and his diary, with 80 pages of notes on his trip. They ask who saw him in America and remark menacingly that he had "many contacts."

But that incident took place at the Miami airport, not Moscow. The victim was an American, not a Russian. And the agents were from the F.B.I., not the K.G.B.

It happened on Jan. 16, 1985. Edward Haase of Kansas City, Mo., was returning from two months in Nicaragua. When customs officials saw that he had been in Nicaragua, they stopped him and said an F.B.I. agent wanted to interview him. The agent identified himself as Joe Miranda. According to an affidavit by Mr. Haase, the questioning began like this:

"Agent Miranda asked me ... whether I had been contacted by the Government in Nicaragua, who I worked for there, why I was interested in Nicaragua, where I was born and went to school and whether I had been arrested. He concluded by saying that ... the F.B.I. had certain rights, including the right to search for subversive literature, and that he was going to look through my luggage."

The agent took Mr. Haase's personal address book and diary. He also took documents of a group supporting Nicaragua with which Mr. Haase works, and a five-page list of organizations concerned with Central America. According to Mr. Haase, "Agent Miranda asked whether these were pacifist groups."

Mr. Haase, 32 years old, is an engineer who works for a radio station in Kansas City. He also does some freelance journalism. He had with him typed manuscripts of two articles he had written, one on the Nicaraguan election and one on a Catholic religious holiday there. The F.B.I. took those too.

A little later, as he was taken through the Customs offices, Mr. Haase saw Mr. Miranda and another man copying his diary and other items on a copying machine. Mr. Miranda returned the material to him, remarking that he "sure had a lot of contacts."

Mr. Haase got a lawyer, Michael Ratner of the Center for Constitutional Rights in New York. Mr. Ratner telephoned the F.B.I. office in Miami, was referred to a supervisor, Paul Phillips, and asked that all copies of the seized material be returned.

Mr. Phillips refused to return the material. He said the F.B.I. was interested in it and that it was properly "disseminable." People were reviewing it now, he said, and then information about it would be sent to the State Department and the Immigration and Naturalization Service.

Last week Mr. Ratner went to court, in Washington. Federal District Judge Thomas P. Jackson heard argument from him and the Government and then issued a temporary restraining order that forbids dissemination of Mr. Haase's material and requires the agents to retrieve any information they have disseminated. Until further court hearings, all of it must be put in "the personal custody" of the F.B.I. Director, William H. Webster.

That is where the incident of Edward Haase stands right now. Reading the court papers, I found myself stunned that such a thing could happen in the United States. Officials make mistakes, yes. But that Customs and F.B.I. agents would openly behave like thought police, and that Government lawyers should defend their behavior, seems incredible to me.

The climate that nurtures such lawlessness is evident. It is the paranoia of the Reagan Administration toward Nicaragua. When President Reagan acts as if that tiny country were a mortal threat to the United States, it is not surprising that F.B.I. agents think they may seize an American's intimate private documents to save us from the threat.

Two years ago the Reagan Administration had to abandon an attempt to take from three American journalists books, bought on the streets of Teheran, that reproduced documents from the seized U.S. Embassy. The Administration's legal excuse then, that the books contained U.S. "secrets," did not wash. The attempt to declare Edward Haase's personal papers subversive and use them for intelligence purposes has no excuse.

Director Webster of the F.B.I. has an honorable reputation. He and his Justice Department superiors should disavow this abusive power now — and remind all F.B.I. agents that this is America, not the Soviet Union or South Africa. Their job, and that of Customs agents, does not include policing the thoughts of Americans. □